

ORDINANCE NO. 45-961

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF WICHITA, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-C, AS ADOPTED BY SECTION 28.04.010, AS AMENDED.

BE IT ORDAINED BY THE GOVERNING BODY  
OF THE CITY OF WICHITA, KANSAS.

**SECTION 1.** That having received a recommendation from the Planning Commission, and proper notice having been given and hearing held as provided by law and under authority and subject to the provisions of The Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, the zoning classification or districts of the lands legally described hereby are changed as follows:

**Case No. ZON2003-00046**

Request for zone change from "SF-5" Single-family Residential to "TF-3" Two-family Residential on property described as:

COMMENCING AT THE SOUTHWEST CORNER OF THE S.W. 1/4 OF SECTION 28, T26S, R1W, OF THE 6TH P.M., SEDGWICK COUNTY, KANSAS; THENCE BEARING N 0 DEGREES 00'00"E, ALONG THE WEST LINE OF SAID S.W. 1/4, A DISTANCE OF 855.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING BEARING N 0 DEGREES 00'00"E, A DISTANCE OF 991.23 FEET TO THE SOUTH LINE OF THE KANSAS SOUTHWESTERN RAILROAD; THENCE BEARING S 39 DEGREES 22'14"E, ALONG THE SOUTH LINE OF THE KANSAS SOUTHWESTERN RAILROAD, A DISTANCE OF 2373.93 FEET TO THE SOUTH LINE OF SAID S.W. 1/4; THENCE BEARING S 89 DEGREES 34'48"W ALONG THE SOUTH LINE OF SAID S.W. 1/4, A DISTANCE OF 639.97 FEET; THENCE BEARING N 00 DEGREES 25'12"W A DISTANCE OF 260.00 FEET; THENCE BEARING S 89 DEGREES 34'48" W PARALLEL WITH THE SOUTH LINE OF SAID SECTION 28, A DISTANCE OF 600.02 FEET; THENCE BEARING N 00 DEGREES 00'00" E A DISTANCE OF 594.99 FEET; THENCE BEARING S 89 DEGREES 34'48"W A DISTANCE OF 264.00 FEET TO THE POINT OF BEGINNING. ENCOMPASSING 1,008,100 SQ. FT. OR 23.14 ACRES MORE OR LESS.

Request for zone change from "SF-5" Single-family Residential to "LC" Limited Commercial and Protective Overlay #129 on property described as:

COMMENCING AT THE SOUTHWEST CORNER OF THE S.W. 1/4 OF SECTION 28, T26S, R1W, OF THE 6TH P.M., SEDGWICK COUNTY, KANSAS; THENCE BEARING N 89 DEGREES 34'48"E ALONG THE SOUTH LINE OF

SAID S.W. 1/4, A DISTANCE OF 264.00 FEET TO THE POINT OF BEGINNING; THENCE BEARING N 0 DEGREES 00'00"E, A DISTANCE OF 260.01 FEET; THENCE BEARING N 89 DEGREES 34'48"E PARALLEL WITH THE SOUTH LINE OF SAID S.W. 1/4, A DISTANCE OF 600.02 FEET; THENCE BEARING S 00 DEGREES 25'12"E A DISTANCE OF 260.00 FEET TO THE SOUTH LINE OF SAID S.W. 1/4; THENCE BEARING S 89 DEGREES 34'48"W ALONG THE SOUTH LINE OF SAID S.W. 1/4, A DISTANCE OF 601.92 FEET TO THE POINT OF BEGINNING. ENCOMPASSING 156,252 SQ. FT. OR 3.59 ACRES MORE OR LESS. Generally located at the northeast corner of 37<sup>th</sup> Street North and Tyler Road.

**THE FOLLOWING PROVISIONS OF PROTECTIVE OVERLAY DISTRICT #129 FOR THE PROPERTY ZONED "LC" LIMITED COMMERCIAL:**

1. Transportation requirements:
  - a. A site circulation plan for shall be required for review and approval by the Planning Director prior to the issuance of any building permits; the site plan shall ensure internal circulation within the parcels and joint use of ingress/egress openings and that private drive openings are not impacted/ blocked by the layout of parking stalls or landscaping.
  - b. The applicant shall provide a guarantee for right-turn accel/deceleration lanes along the perimeter of the property and the fair share of a center turn lane during platting.
  - c. Access points shall be in conformance with the Access Management Policy.
  - d. The developer shall guarantee 6 1/4 percent share of cost for the intersection signalization at Tyler Road and 37<sup>th</sup> Street North.
2. No development shall be allowed along 37<sup>th</sup> Street North until the street is paved to a two-lane county standard.
3. Setbacks shall be 35 feet for front and rear property lines; maximum building coverage shall be 30 percent; maximum gross floor area shall be 35 percent; maximum building height shall be 35 feet.
4. Signage shall be per Sign Code for the "NR" district with the following additions:
  - a. Window display signs are limited to 25 percent of the window, including interior, area.
  - b. No signs shall be allowed on the rear of any buildings.
  - c. All freestanding signs shall be monument type signs and shall share consistent architectural design and character.
5. All parcels shall share similar or consistent parking lot lighting elements (i.e. fixtures, poles, and lamps, and etc.), with light poles, including base, limited to 24 feet in height, and reduced to 14 feet within 150 feet of residential zoning. Extensive use of back lit canopies and neon or fluorescent tube lighting on buildings is not permitted.

6. Landscaping shall be per Landscape Ordinance; and all parcels shall share a similar landscape palette. The buffer shall be at provided at a rate of one (1) tree per 30 feet for the north property line.
7. A screening wall that is between six (6) feet and eight (8) feet high of concrete/masonry shall be constructed along the northern property line. This solid wall shall be constructed of a pattern and a color that is consistent with the building walls, is of uniform construction for the three parcels, and placed within a five (5) foot wall easement.
8. All parcels shall share similar or consistent architectural character, color, and texture, as determined by the Planning Director. Building walls and roofs must have predominately earth-tone colors, with vivid materials limited to incidental accent, and must employ materials similar to surrounding residential areas. No predominately metal facades shall be allowed.
9. Uses shall be limited to those allowed in the "NR" Neighborhood Retail district and restaurants over 2,000 square feet in size (not to exceed 8,000 square feet); restaurants may allow drive-through windows but the drive-through windows shall be no closer than 100 feet from a residential property line and any order boards shall not be audible from the residential property lines.

**SUBJECT TO PLATTING WITHIN ONE-YEAR ON BOTH PARCELS.**

**SECTION 2.** That upon the taking effect of this ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita-Sedgwick County Unified Zoning Code as amended.

**SECTION 3.** That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

**ADOPTED AT WICHITA, KANSAS,** December 30, 2003.

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Carlos Mayans, Mayor

**ATTEST:**

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Karen Schofield, City Clerk

(SEAL)

Approved as to form:

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Gary E. Rebenstorf, City Attorney